

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**RICHARD ESPINOZA, JR., RAYMOND  
ESPINOZA, AND  
REBECCA ANN SANCHEZ,  
Plaintiffs**

**v.**

**WMK SAN ANTONIO, LLC, D/B/A  
DOUBLETREE BY HILTON,  
Defendant**

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**Civil Action No. 5:16-cv-01042**

**WMK MANAGEMENT, LLC, D/B/A DOUBLETREE BY HILTON'S  
NOTICE OF REMOVAL**

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**COMES NOW, WMK MANAGEMENT, LLC, D/B/A DOUBLETREE BY HILTON**

Defendant herein, and files its Notice of Removal pursuant to 28 U.S.C. §1441(a) and (b).

**I.**

**INTRODUCTION AND FACTUAL BACKGROUND**

- 1.** This is a wrongful death action brought by Richard Espinoza, Jr., Raymond Espinoza, and Rebecca Ann Sanchez, the adult children of the decedent, Richard Espinoza, Sr. On or about September 6, 2014, Richard Espinoza, Sr., while working on his regular job shift at the DoubleTree by Hilton hotel located at 37 N.E. Loop 410, San Antonio, TX 78216, attempted to repair a guest room's inoperative air conditioner. Upon his second attempt to repair said air conditioner, he was allegedly exposed to a deadly electric current and was fatally electrocuted.
- 2.** On September 21, 2016, Plaintiffs filed their First Amended Petition Original Petition in the 408<sup>th</sup> Judicial District Court of Bexar County, Texas ("State Court Action").

3. On September 21, 2016, **WMK MANAGEMENT, LLC, D/B/A DOUBLETREE BY HILTON** was served with the citation and First Amended Original Petition. On October 4, 2016, an Original Answer was filed in the State Court Action on behalf of **WMK MANAGEMENT, LLC, D/B/ADOUBLETREE BY HILTON**.
4. On October 19, 2016, **WMK MANAGEMENT, LLC, D/B/ADOUBLETREE BY HILTON** filed its original Notice of Removal to the Western District of Texas, San Antonio Division within the 30-day time period required by 28 U.S.C. §1446(b).

## II.

### **BASIS FOR REMOVAL -- DIVERSITY JURISDICTION**

5. Plaintiffs are individual citizens of the State of Texas.
6. Defendant **WMK MANAGEMENT, LLC, D/B/ADOUBLETREE BY HILTON** is a Delaware limited liability company with its principal place of business in Texas. **WMK MANAGEMENT, LLC, D/B/A DOUBLETREE BY HILTON**.
7. Pursuant to 28 U.S.C. §1441(b), removal of this case is proper because there is complete diversity between the parties, as Plaintiff and Defendants are citizens of different states.
8. Pursuant to 28 U.S.C. §1441(a), for purposes of removal, venue is proper to this district and in this division because it embraces the place where the removed action has been pending.
9. Pursuant to 28 U.S.C. §1446(a) and Local Rule 81, all process, pleadings and orders served upon Defendants in the State Court Action are filed with this Notice of Removal.

**III.**

**NOTICE TO STATE COURT**

10. Promptly after the filing of this Notice of Removal, **WMK MANAGEMENT, LLC D/B/A DOUBLETREE BY HILTON** will provide notice of the removal to Plaintiff through his attorney of record in the State Court Action and to the Clerk of the Court in the State Court Action, as required by 28 U.S.C. §1446(d).

**IV.**

**JURY NOT DEMANDED**

11. Plaintiff did not demand a jury in the State Court Action.

**V.**

**LOCAL RULES**

12. This Notice of Removal is filed in accordance with the Local Rules for the Western District of Texas.

**VI.**

**CONCLUSION**

13. By this Notice of Removal, **WMK MANAGEMENT, LLC D/B/A DOUBLETREE BY HILTON** does not waive any defenses or objections they may have to this action. Defendant intends no admission of fact, law or liability by this Notice, and expressly reserve all defenses, motions and/or pleas.

Respectfully Submitted,

/s/ Timothy U. Stanford

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**ATTORNEYS FOR DEFENDANT  
WMK MANAGEMENT, LLC, D/B/A DOUBLETREE  
BY HILTON**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was sent to the Clerk of the Court on the 19th day of October, 2016, via the Western District of Texas CM/ECF System, which will transmit a Notice of Electronic Filing to all attorneys of record.

/s/ Timothy U. Stanford

Timothy U. Stanford